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09/217,117	12/21/1998	YASUTOMO NISHINA	450100-4033.	8734

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 03/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

706

Office Action Summary

Application No. 09/217,117	Applicant(s) Yasutomo Nishina et al.
Examiner Tadesse Hailu	Art Unit 2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Dec 26, 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1, 2, 4-10, 12, and 16 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 2, 4-10, 12, and 16 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. 08/893,878.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) Other: _____

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DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered 12/26/2001 to the patent application (09/427,680) filed on 10/27/1999.

Priority

2. Priority is claimed (JP application 08-214073 July 26, 1996)

Information Disclosure Statement

3. No *Information Disclosure Statement* is submitted.

Status of the claims

4. Claims 1, 2, 4-10, 12 and 16 are pending.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 2, 4-10, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (5,589,892) in view of Strubbe et al (5,047,867).**

The *present invention* related to an electrical program guide display control apparatus and method for managing displayed information.

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Knee et al. (“Knee”) relates to an electronic program schedule system, which provides the user on a television receiver.

Strubbe et al (“Strubbe”) relates to a system for integrating the operation and control of a television receiver and a video cassette recorder.

Per claim 1:

As per “an apparatus for controlling display of an electrical program guide,” *Knee* provides an apparatus for controlling electronic program guide (EPG) (see *Knee*: fig. 1), wherein the EPG system is provided with data feeds containing different types of information and selectable for display by the user on an on-demand basis.

as per “broadcast program information storage means for storing, as broadcast program information, the information relative to a number of broadcast programs extracted from predetermined positions of video signals;” *Knee*’s EPG system further provides storage for information obtained from received data feeds (broadcast program) (see *Knee*: col 6, lines 40-60, col 45, lines 8-17);

as per “ recorded program information storage means for storing recorded program information which includes (I) program name information and (ii) recorded medium identification information which identifies a recording medium having a respective broadcast program recorded thereon and (iii) recording start position start information of a number of broadcast programs stored in a number of recording mediums;” Knee discloses a storage for program schedule information, wherein the program schedule information comprises an identification of teams

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(names) participating in a live sporting event and the channel on which the event is being broadcast including information identifying the title, time of said event (see *Knee*: col 36, lines 52-61, col 46, lines 46-55, col 48, 30-44). But *Knee* does not explicitly show the above (ii) and (iii) limitations. However, *Strubbe* does describe and show the above limitations. A recording medium is described in (*Strubbe*: Abstract) and a recording start position is also shown in figs. 13b-13f also described in (col 8, lines 43-54).

As shown in Fig. 1, *Knee* shows and describes a various components of electronic program schedule systems. Physically, the components can be mounted in a separate housing, or included as part of a TV, or VCR, etc.(col 9, lines 50-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the operation and control of a recording medium (VCR) of *Strubbe* as one of *Knee*'s component system. Thus, by incorporating the recording medium (VCR) of *Strubbe* a user will be able to record a plurality of broadcast programs for later viewing at any convenient time.

Knee in view of *Strubbe* further discloses a display control mean capable of displaying, as an electrical program guide to provide the program-related information (see *Knee*: col 6, lines 40-60). Also disclosed is the setup of recorded program information (see *Strubbe*: figs. 6b and 8b or 8d). The electronic program guide of *Knee*'s further provides information from the stored program schedule information (Abstract) is combined with information obtained from received data feeds and displayed simultaneously (see *Knee*: col 6, lines 40-60). The program guide system also provides the capability of selecting from among several user-defined channel presentation

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sequences, which are activated using one of the three "check mark" icon keys 48A, 48B or 48C on the remote controller 40 shown in FIG. 4. (see Knee: col 27, line 56-col 28, line 5). Once a particular entry is selected, the electronic program guide connects the user to the selected service and passes control to the particular service application software, as shown in FIGS. 32-35.

Per claim 2:

As per "... said display control means is capable of displaying simultaneously as an electrical program guide, at least a program information area in the form of a window to display the program information, a command area in the form of a window to display items for selecting a manipulation command relative to said program guide, and an input area in the form of a window to display items for inputting a required parameter corresponding to the selected manipulation command." Knee in view of Strubbe further discloses that the information from the stored program schedule information is combined with information obtained from received data feeds and displayed simultaneously. Knee further provides selectable displayed items (such as menu items or commands) for input manipulation and processing (see Figs. 6-8).

Per claim 4:

Independent claim 4 is rejected for reasons similar to those given for the rejection of claim 1

Per claim 5:

dependent claim 5 is rejected for reasons similar to those given for the rejection of claim 2.

Per claim 6:

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as per "...wherein said recorded program information stored in said recorded program information storage means includes the recording start positions of the broadcast programs in said recording media." Knee in view of Strubbe further discloses the recording start positions of the broadcast programs in the VCR (recording media) (see Strubbe: figs. 13b-13f also described in col 8, lines 43-54).

Per claim 7:

as per "... wherein said display control means displays the program information relative to both of the broadcast programs and the recorded programs, in a manner to superimpose such information on a normal picture" Knee in view of Strubbe further discloses the limitation (see Strubbe: figs.6b, 14a and 14b).

Per claim 8:

as per "..., wherein said display control means displays the program information relative to both of the broadcast programs and the recorded programs, in a manner to superimpose such information on a fixed picture." Knee in view of Strubbe further discloses a "freezing" or fixed picture-in-picture (PIP) representation of a scene from a particular program being broadcast (see Strubbe: col 12, lines 49-56). a graphic overlay 51 containing programming information for the channel currently tuned on the tuner is superimposed in overlaying relationship with a received program signal is also disclosed in (see Knee: col 14, lines 3-18).

Per claim 9:

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as per "..., wherein said display control means has a mode to display the program information relative to the broadcast programs, on the basis of the broadcast program information stored in said broadcast program storage means; and a mode to display the program information relative to the recorded programs on the basis of the recorded program information stored in said recorded program information storage means." Knee in view of Strubbe further discloses that the EPG further provides the user with the ability to select from among a plurality of display formats for the program schedule information (see Knee: col 5, lines 1-7, col 9, lines 21-24, col 11, lines 32-48, col 12, lines 39-63, col 21, lines 21-35, col 29, lines 16-47, col 40, lines 10-27).

Per claim 10:

claim 10 recites a plurality display modes of program information. Knee in view of Strubbe further discloses that the EPG further provides the user with the ability to select from among a plurality of display formats for the program schedule information (see Knee: col 5, lines 1-7, col 9, lines 21-24, col 11, lines 32-48, col 12, lines 39-63, col 21, lines 21-35, col 29, lines 16-47, col 40, lines 10-27).

Per claim 12:

as per "..., wherein said display control means displays the mode, which is currently set, in a portion of said program information area." Knee in view of Strubbe further discloses that the EPG system further provides a flexible program schedule system that allows a user to view selected broadcast programs on a portion of the screen of the television receiver

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while simultaneously viewing program schedule information for other channels and/or services on another portion of the screen (see Knee: col 4, lines 26-39, col 6, lines 1-28, col 15, lines 41-64).

Per claim 16:

as per "..., wherein said display means has a plurality of modes with regard to display of the command area, and displays command icons corresponding to each selected mode." Knee in view of Strubbe further discloses a plurality of display formats further provides user selectable icons (such as check-mark icons 48a-c) (see Knee: col 6, lines 1-28, col 12, lines 39-63, col 29, 16-48).

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

a shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

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THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Tadesse Hailu*, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 9:00 - 5:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *John Cabeca*, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

27 Feb 2002



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173